



The University of
Montana

Testimony on
House Bill No. 525
By
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Helena, Montana
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Mr. Chairman, Members of the Committee:

For the record, I am George M. Dennison and I have the honor to serve as President of The University of Montana. Thank you for the opportunity to appear today and comment on this proposed legislation. I seized the opportunity to explain my reasons for respectfully suggesting that you do not move it forward.

1. I think the bill inappropriate in its terminology and apparent intended effect. As an amendment to an existing statute, the bill – if adopted – will add considerably to the reporting requirements imposed on the Montana University System but in ways substantively different from all other reports because of the nature of the information involved and its availability and usefulness if available. In addition, the bill provides no resources for its implementation, nor does it take account of the potential impact of the mandated reporting on individual privacy rights, institutional autonomy in academic functioning, and the constitutional authority of the Board of Regents to “control and manage” the Montana University System. While new Section 4 urges the Board “to require” the reports, subsequent subsections indicate that the reports “must address” certain topics (1), “must be distributed” by a date certain annually to all members of the legislature (3), and “must be posted” on campus websites (4). Further, new Section 5 requires the Interim Committee to “hear testimony annually” from representatives of each campus, hold “annual hearings” with participation by students, faculty, “expert witnesses” – whatever that means – and “others” – whomever that may be – and itself “generate an annual report” to all members of the Legislature. An initial “urging” becomes in the end a prescriptive but unfunded mandate of substantial but unknown magnitude. That the report potentially intrudes on individual privacy rights seems clear. Montana law does not require the disclosure of political affiliation unless or until a citizen seeks public office of some kind. The University has no legal basis for collecting such information. By mandating reports that look toward some balancing of the “variety of political, ideological, and other [again undefined] perspectives,” the bill will impose a burden of unknown, unknowable, and likely illegal dimensions.

2. As written, the bill contains statements reported as “findings” by the legislature, but it offers no evidence, referencing only unidentified “surveys” said to “reveal ideological imbalance in the classroom, evidence of politicization, and public concern over these issues.” I know of no surveys that report such alleged abuses on campuses in Montana. In the absence of factual evidence, what are the findings? That abuses may have occurred elsewhere? That hardly qualifies as a finding of fact about what happens in Montana.

3. Finally, if this bill has the purpose of establishing some kind of political or ideological balance within the faculties of the Montana Universities System campuses – I say “if” since the purpose of the bill is not clear – then I submit it should not pass. Professor Stanley Fish – now Distinguished Professor of Humanities at Florida International University but former Dean of Liberal Arts and Sciences of the University of Illinois, Chicago, and Professor of English and Professor of Law at Duke University – identifies his friend, David Horowitz, as the leading proponent of “intellectual diversity” through the Academic Bill of Rights. As Fish notes, a balanced “representation [of political and ideological views] would be an appropriate academic response only if the political views introduced into the classroom were being presented as alternatives the students were to decide between.” But, as Fish notes, when faculty members introduce “materials to analyze” in the classroom, “the students are not being asked to decide between them but to understand them; the materials are de-politicized even if their content is political and there is no reason whatsoever to be concerned with political representation.” The faculty member doing the teaching has the responsibility “to induce an understanding of alternative positions rather than to persuade students of the rightness of any one of them,” and party affiliation or ideological position of faculty member or student becomes irrelevant. Fish concludes that “Intellectual diversity – the presence of faculty members of a diversity of political parties – [is] ... beside any academic point.” In Fish’s view, to which I subscribe, “Intellectual diversity has always been a demand not for intellectual but for political diversity, a demand based on the incorrect assumption that the two are intimately related and that there is a correlation between partisan behavior and academic behavior.” That assumption does not hold. But even if it did, it strikes me that to demand more political intrusion as the remedy for too much political intrusion does not make sense. I submit we would want less, not more. Rather than requiring a balance or variety of “political, ideological, and other perspectives,” however defined, we should require “no political views, including . . . [our] own,” to assure “academic activity” rather than “political activity” in the classroom. We want the study and careful analysis of the “political and ideological implications” of materials, events, and developments, not voting.

The principles invoked by Horowitz and presented in the opening sections of this bill are indeed those that appear in the historic statements of academic freedom by the AAUP, American Council on Education, and all institutions and systems of public higher education for good reasons: To assure the freedom of students to learn and of faculty to teach, without fear of political intervention or retribution, in the best interest of society at large.

I conclude by noting that we in the Montana University System take the principles seriously. At The University of Montana, we state and promulgate these principles publicly and post them on our website. We jealously guard and protect the University as a free marketplace of ideas, and we have well publicized procedures readily available to all groups and individuals to redress any alleged violations. I report any and all incidents to the Regents after taking appropriate action based on the ascertained facts. We have deeply felt and firmly held traditions of free speech, free press, and academic freedom, and act vigorously to defend them. They pervade the culture of the campus as they should. If required, we can and will provide any reports mandated. In my view, however, doing so will consume a great deal of scarce and thus precious time and resources better devoted to the direct academic purposes of the University.

Thank you.

Attachments